

12 AUG 1975

Mr. Don A. Tabbert
Sparrenberger, Duvall, Tabbert & Lalley
2410 Indiana National Bank Tower
One Indiana Square
Indianapolis, Indiana 46204

Dear Mr. Tabbert:

Thank you for your letter of June 27th. I can fully sympathize with your client's interest in determining the facts concerning the crash of Air Vietnam Flight 499 on March 12, 1975. As you know, in March and April 1975 military forces hostile to the South Vietnamese Government were active in many areas of that country. This unfortunately precluded the U.S. Mission to South Vietnam from performing the sort of investigation normally undertaken on behalf of U.S. citizens involved in crashes of foreign air carriers.

I have made appropriate inquiries and the following information was provided:

On March 13, 1975 a crash investigation team with representatives of the U.S. Agency for International Development, Air Vietnam, and the South Vietnamese military attempted to visit the crash site. Because of hostile forces in the area, the team did not reach the crash site and did not view the wreckage even from a distance. Although the team talked with several local people who claimed to have seen the crash, none were able to furnish any reliable information regarding the cause of the crash or the probability of survivors.




Under the terms of its air services contract, the U.S. Mission tasked Air America with overflying the crash site to attempt to determine the cause of the crash and to check for survivors. This flight was performed by Captain Ed Adams on or about March 14, 1975. Due to the high risk of overflying the crash area at low altitude, no other crew members and no passengers were carried on the flight. It is my understanding that Captain Adams has furnished an affidavit to the Miller family concerning this flight, but the facts reported to the U.S. Mission were that although he was receiving ground fire, Captain Adams made three or four low level passes over the crash site viewing the wreckage each time. He noted that the wreckage was confined to a very small area of impact and that the wreckage was entirely burned over with the exception of one outer wing panel. Captain Adams concluded from this that the probability of anyone surviving the crash was extremely remote.

As can best be determined, the only accurate information available to us on the crash is that developed by Captain Adams. His observations unfortunately do not establish a cause for the crash nor do they establish with absolute certainty that there were in fact no survivors.

The question of dealing with an unfriendly government or one with which the United States does not enjoy diplomatic relations is one that is appropriately under the purview of the Department of State. I suggest, therefore, that you direct the question raised in paragraph three of your letter to the Secretary of State, if you have not already done so. I might also point out that a citizen of New Zealand was reported to also have been on Air Vietnam Flight 499 on March 12, 1975. Since the Government of New Zealand does enjoy diplomatic relations with the new government of South Vietnam, they may have additional information on the crash which could prove useful to your clients.

I am very sorry I cannot be of more help in this matter. Please extend my sympathies to the Miller family for their loss.

Sincerely,


W. E. Colby
Director

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